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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,473	02/17/2004	Carel J.L. Van Driel	PHN 16-613A	1391

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EXAMINER

JAIN, RAJ K

ART UNIT	PAPER NUMBER
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2416

MAIL DATE	DELIVERY MODE
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03/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/780,473	VAN DRIEL, CAREL J.L.	
	Examiner	Art Unit	
	RAJ JAIN	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General Remarks

Applicant's arguments, filed December 15, 2008, with respect to claims 11-18 have been fully considered and are persuasive. The Final Rejection submitted on July 14, 2008 has been withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 16 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process.

The elements of Claim(s) 16 of "transmitting and translating...." are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent and further

1) do not tie to another statutory class (such as a particular apparatus) by identifying the apparatus that accomplishes the method steps.

2) do not have a structure required by the claim, or positively recited in the body of the claim in association with a step significant to the inventive concept.

A claim reciting an adequate structural tie must positively recite the structure of another statutory category in association with a step significant to the inventive concept. The following are examples of structural recitations **that do not constitute** adequate structural ties per se: (1) Structure recited in a preamble alone, (2) structure in a phrase

expressing intended use or purpose, and (3) structure in a step insignificant to the inventive concept, such as nominal pre or post solution activity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamoto et al (US 6,038,233) in view of Gervais et al (US 5,856,974).

Regarding claims 11, 15 and 16 Hamamoto discloses a communication network (Fig. 1) comprising a plurality of secondary nodes (53) being coupled to at least one primary node (51), the secondary nodes comprising:

- a transmitter for transmitting packets from the secondary nodes 53 (Fig. 1) to the primary node 51 according to predetermined transmission properties (col 1 lines 35-37);

- a first address translator 55 (Fig. 1 & 6) for translating initial address information carried by packets received from at least one terminal device 53 into address information carrying information about:

- a) the predetermined transmission properties to be used for transmitting the associated packets (Fig. 11B, has predefined transmission properties such as TTL, protocol, etc.),

- b) destination node 51.

Hamamoto fails to disclose a second address translator for translating the address information back into the initial address information (Hamamoto however discloses a generic IPv4/IPv6 translator that can be used at either nodes of interest Fig. 6; col 11 lines 6-27).

Gervais discloses a second address translator for translating the address information back into the initial address information (abstract, Fig. 8; col 5 lines 1-12).

Translating the address back to the initial address and mapping against a local network address enhances routing efficiency by substantially reducing the amount of addressing information associated with a domain. Routers and backbones of networks must simply consider only the unique domain network address eliminating the need for the backbone to maintain a different network number for each local network in the internetwork. Thus, the backbone need not be provided with, nor retain, information regarding each local network included in a domain.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Gervais within Hamamoto so as to improve overall network routing efficiency by substantially reducing the amount of addressing information associated with a domain.

Regarding claim 13, Gervais discloses wherein the primary node comprises the second address translator (abstract, Fig. 8; col 5 lines 1-12, each node has a reverse address translator thus making it a second address translator in addition to the network address translator of Hamamoto). Reasons for combining same as for claim 11.

Regarding claim 14, Gervais discloses network comprising cross connect for passing packets from the secondary nodes to an outside network, wherein the second address translator is arranged for translating the address information before the packets are applied to the cross connect. (see Fig. 3, domain 302 is a crossconnect to different nodes and each node has an address translator wherein the address information is applied before the packets are sent to the crossconnect; col 5 lines 24-44, 55-65; col 7 lines 58-67). Reasons for combining same as for claim 11.

Regarding claim 17, Gervais discloses second address translator translates the address information back into the initial address information present in the packets received by the secondary nodes from the at least one terminal device (abstract, Fig. 8; col 5 lines 1-12, each node has a reverse address translator thus making it a second address translator in addition to the network address translator of Hamamoto). Reasons for combining same as for claim 11.

Regarding claim 18, Hamamoto discloses wherein the predetermined transmission properties to be used for transmitting the associated packets include a quality of service (col 1 lines 33-38).

Claim 12, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamoto et al (US 6,038,233) in view of Gervais et al (US 5,856,974) further in view of Aramaki (USP 5,483,521).

Hamamoto and Gervais fail to disclose a selector for selecting packets according to address information in their headers.

Aramaki discloses a selector 105b (Fig. 1) for selecting packets according to address information in their headers (col 5 lines 15-26). Transmitting packets to destinations based on their header information allows for cell sequencing without necessary time stamping of packets. Thus it would have been obvious at the time the invention was made to incorporate the teachings of Aramaki within Hamamoto so as to improve network performance by grouping packets based on their header information so as to allow for quick reassembly without the need to for time stamping of packets.

Response to Arguments

Applicant's arguments with respect to claims 11-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJ JAIN whose telephone number is (571)272-3145. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raj K. Jain/

Examiner, Art Unit 2416